



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

December 19, 2023

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated November 14, 2023 (ECF No. 192).

As the parties last reported, the parties have exchanged multiple specific demands regarding attorney’s fees. Since the last report, the Government has prepared a draft counter-offer and is seeking final approvals, although that process is not yet complete. Because of this ongoing process, and to allow time for the parties to continue discussing, the parties respectfully and jointly ask the Court’s leave to submit a further status report by January 31, 2024, by which time the Government intends to have provided its approved counter-offer. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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